

Appl. No. 09/759,552
Atty. Docket No. 8394
Amdt. dated September 13, 2007
Reply to Office Action of August 13, 2007
Customer No. 27752

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REMARKS

Claim Status

Claims 1 - 13 are pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC 102 Over Coffee et al.

Claims 1-13 stand rejected under 35 USC 102(b) as being anticipated by Coffee et al. (US 6,595,208). More specifically, the Examiner treats the term "configured to" as the "intended use expression," which carries no patentable weight. Therefore, asserts the Examiner, "the high voltage power supply of Coffee et al. is capable to be configured to supply a variable output signal in response to a feedback signal."

This undersigned respectfully traverses this rejection and the reasoning it is based upon.

First, the Examiner fails to provide any justification for his position that the phrase "configured to" in the present context is an intended-use expression. In the present context, the term "configured" is synonymous with "structured," "designed," and the like, and sets up a structural limitation of the high-voltage power supply. The undersigned is not aware of any MPEP rule or case law that treats the term "configured" in a similar context as an intended-use expression. (Note that the term in question is recited not in the claim's preamble, but in the body of the claim, among other structural limitations thereof.)

Second, the Examiner fails to provide any support for his statement that "the high voltage power supply of Coffee et al. is capable to be configured to supply a variable output signal in response to a feed back signal." Coffee et al. neither teaches nor suggests that a high voltage power supply can be configured to supply a variable output signal in response to a feed back signal. Instead, Coffee et al. teaches that the adjustment "may be carried out at a factory level by adjusting the values of the resistors and capacitors in the ramp circuit or may be controllable by a pharmacist or an end user by providing switch means for switching in or our additional resistors and capacitors to adjust the voltage ramp rates." Coffee et al., at 13:32-45. The device of Coffee et al. is not configured to accept a feedback signal, and there is no teaching in Coffee et al. that would suggest that such a configuration can be done.

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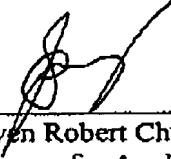
In the interests of advancing the prosecution of this application, however, Claims 1 and 13 have now been amended to delete the term "configured" therefrom (and to make other stylistic changes to the claims' language). Claim 13 has been additionally amended to add the limitation pertaining to "a variable output signal in response to a feedback signal."

Conclusion

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied reference. In view of the foregoing, Applicants respectfully request entry of the amendments presented herein, reconsideration of the presently pending Claims 1-13 as amended, withdrawal of the rejection under 35 USC 102(b), and early allowance of this application.

Respectfully submitted,
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